THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION NO.6590 OF 2000

DATE: 17th November 2006

Between:
Sanapala Sriramulu,
S/o Tavudu, aged 49 years,
Advocate, r/o D.No.39-18-45,
Madhavadhara, Industrial Estate Post,
Visakhapatnam – 530 007.

…Petitioner

And

1. Government of Andhra Pradesh,
   rep. by its Secretary, Irrigation & CADD
   Department, Secretariat, Hyderabad
   and 68 others.

…Respondents.

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ORDER:

This writ petition is filed seeking a writ of Mandamus declaring action of the respondents in laying canal in petitioner's land in an extent of Ac.1-30 cents in survey Nos.310 5-A and 5-B situated at Chinthadepeta village, Narsannapeta Mandal, without acquiring the land and paying compensation under the Land Acquisition Act, as arbitrary and illegal.

2. While admitting the writ petition, by way of interim order on 12.4.2001, this court directed the respondents to maintain *status quo* in respect of lands of the petitioner only.

3. It is the case of the petitioner that he is the owner and possessor of an extent of Ac.1-30 cents of agricultural land situated in survey Nos.310 5-A and 5-B of Chinthadepeta village, Narsannapeta Mandal. The respondents are trying to acquire the said land without invoking provisions of Land Acquisition Act and are intending to dispossess the petitioner illegally.

4. A detailed counter-affidavit has been filed by the 4th respondent stating that the petitioner was out of village, therefore, his brother-in-law, who is now cultivating the land of the petitioner at Chintavanipeta village has given his consent letters for acquiring the land by the Department. The petitioner is blaming the Department that without notice and his consent the land was acquired by the Department which are not at all true. As his brother-in-law is looking after the land and as he is out of the village, the Department has taken consent of his brother-in-law for execution of work as was taken similarly from other landholders. Therefore, it cannot be said that the land was acquired without consent of the petitioner. Since the lands of the petitioner are being looked after by the father-in-law, the consent of his brother-in-law was taken who is cultivating the land. Out of Ac.1-13 cents of land, only 0.32 cents have been acquired for execution of the canal. Many farmers have not given their consent letters and frequently objecting in proceeding with the work by the Department. The work has not been executed further and stopped on 30.3.2000. The Land Acquisition Officer will pay the compensation amount after passing of award, since the amount

was already deposited with him. As per the interim orders of this Court, *status quo* has been maintained.

5. The sum and substance of the counter is that land acquisition proceedings have already been initiated and compensation will be paid as soon as the Land Acquisition Officer passes award, therefore, it cannot be said that without initiating land acquisition proceedings the lands of the petitioner are being acquired, apart from the fact that the consent of brother-in-law of the petitioner was obtained.

6. In view of the above, the respondents 1 to 4 are directed not to acquire the lands of the petitioner stated supra without invoking the provisions of the Land Acquisition Act. If already invoked provisions of the Land Acquisition Act, the same may be completed soon.

7. The writ petition is accordingly disposed of. No costs.

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C.V.RAMULU, J.

Date: 17th November 2006.

BSB